

**27 NCAC 01D .2205 STANDARDS FOR CERTIFICATION AS A SPECIALIST IN BANKRUPTCY
LAW**

Each applicant for certification as a specialist in bankruptcy law shall meet the minimum standards set forth in Rule .1720 of this subchapter. In addition, each applicant shall meet the following standards for certification as a specialist in bankruptcy law:

- (1) Licensure and Practice - An applicant shall be licensed and in good standing to practice law in North Carolina as of the date of application. An applicant shall continue to be licensed and in good standing to practice law in North Carolina during the period of certification.
- (2) Substantial Involvement - An applicant shall affirm to the board that the applicant has experience through substantial involvement in the practice of bankruptcy law.
 - (a) Substantial involvement shall mean during the five years preceding the application, the applicant has devoted an average of at least 500 hours a year to the practice of bankruptcy law, but not less than 400 hours in any one year.
 - (b) Practice shall mean substantive legal work done primarily for the purpose of legal advice or representation, or a practice equivalent.
 - (c) Practice equivalent shall mean, after admission to the bar of any state, District of Columbia, or a U.S. territorial possession
 - (i) service as a judge of any bankruptcy court, service as a clerk of any bankruptcy court, or service as a standing trustee;
 - (ii) corporate or government service, including military service, after admission to the bar of any state, the District of Columbia, or any U.S. territorial possession, but only if the bankruptcy work done was legal advice or representation of the corporation, governmental unit, or individuals connected therewith;
 - (iii) service as a deputy or assistant clerk of any bankruptcy court, as a research assistant to a bankruptcy judge, or as a law professor teaching bankruptcy and/or debtor-creditor related courses may be substituted for one year of experience to meet the five-year requirement.
- (3) Continuing Legal Education - An applicant must have earned no less than 36 hours of accredited continuing legal education (CLE) credits in bankruptcy law, during the three years preceding application with not less than 6 credits in any one year.
- (4) Peer Review - An applicant must make a satisfactory showing of qualification through peer review. An applicant must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in the specialty field. Written peer reference forms will be sent by the board or the specialty committee to each of the references. Completed peer reference forms must be received from at least five of the references. All references must be licensed and in good standing to practice in North Carolina. An applicant consents to the confidential inquiry by the board or the specialty committee of the submitted references and other persons concerning the applicant's competence and qualification.
 - (a) A reference may not be a judge of any bankruptcy court.
 - (b) A reference may not be related by blood or marriage to the applicant nor may the reference be a partner or associate of the applicant at the time of the application.
 - (c) The references shall be given on standardized forms provided by the board with the application for certification in the specialty field. These forms shall be returned directly to the specialty committee.
- (5) Examination - The applicant must pass a written examination designed to test the applicant's knowledge and ability in bankruptcy law.

*History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. November 16, 2006.*